

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: Higinio Mora

Debtor

BankUnited, N.A.

Movant

vs.

Higinio Mora

Scott F. Waterman, Trustee

Respondents

BK NO. 24-10917 PMM

Chapter 13

Hearing Date: 08/01/24

OBJECTION OF BANKUNITED, N.A. TO CONFIRMATION OF CHAPTER 13 PLAN

BankUnited, N.A. (hereinafter Secured Creditor), objects to confirmation of Debtor's Chapter 13 plan and asserts in support of its Objection as follows:

1. The claims bar date is May 28, 2024. Secured Creditor intends to file a claim on or before the bar date with pre-petition arrears estimated at \$73,154.88.

2. Debtor's Plan provides for payment in the amount of \$0.00 towards the arrearage claim of the Secured Creditor.

3. Debtor's Plan understates the amount of the Secured Creditor's claim by \$73,154.88 and does not provide sufficient funding to pay said claim.

4. Debtor's Plan provides that Movant's arrears are to be paid through a loan modification.

5. The loan modification is remote and speculative. The Debtor cannot modify the loan without the consent of the Secured Creditor. Therefore, the Plan cannot be confirmed unless and until a loan modification is agreed to and approved by the Court.

6. Debtor's Plan fails to provide for adequate protection payments directly to the Secured Creditor during the modification application process.

7. Accordingly, Debtor's Plan is not feasible, as it does not fully compensate the Secured Creditor.

7. In addition, the Debtor's Plan fails to comply with 11 U.S.C. §§ 1322 and 1325.

WHEREFORE, the Secured Creditor, BankUnited, N.A., prays that the Court deny confirmation of the Debtor's Plan.

Date: April 25, 2024

Respectfully submitted,

By: **/s/Michael P. Farrington**

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